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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,969	03/01/2006	Thomas Ficker	017P34WOUS	7341
36608 7590 12/16/2009 GUDRUN E. HUCKETT DRAUDT SCHUBERTSTR. 15A WUPPERTAL, 42289 GERMANY				
EXAMINER				
OMCBA, ESSAMA				
ART UNIT		PAPER NUMBER		
3726				
MAIL DATE		DELIVERY MODE		
12/16/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/563,969

Applicant(s)

FICKER ET AL.

Examiner

Essama Omgba

Art Unit

3726

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14, 16-20 and 22-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14, 16-20 and 22-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments filed December 2, 2009 are persuasive, therefore the finality of the last Office action is withdrawn and prosecution is reopened.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 14, 16-20 and 22-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chalansonnet (US Patent 4,189,816) in view of Hopkins (US Patent 2,107,943).

With regards to claims 14, 29 and 30, Chalansonnet discloses a cold rolling method for producing an annular composite workpiece wherein a first hollow cylindrical workpiece is inserted into a second hollow cylindrical workpiece, the workpieces being made of different materials, and axial roll forming a composite workpiece of the first and second hollow cylindrical workpieces, see column 3, lines 26-45. Chalansonnet does not disclose the axial roll forming being performed by pressing the first and second hollow cylindrical workpieces against each other between two diametrically opposed outer roll forming tools and an inner rolling arbor or between two diametrically opposed outer roll forming tools and an inner roll forming tool. However Hopkins teaches roll forming a clad tubing by inserting a mandrel 43 in a subassembly made of two hollow cylindrical workpieces 26 and 27, and roll forming a clad tubing using two diametrically opposed rolls 42 to metallurgically bond the workpieces, wherein the workpieces 26 and 27

are deformed radially and axially, see column 1 of page 4, lines 42-46 and figure 9. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have used two diametrically opposed rolls and an inner rolling arbor in axial roll forming the annular composite workpiece of Chalansonnet, in light of the teachings of Hopkins, in order to achieve an excellent metallic bond between the workpieces. Applicant should note that it is inherent that there would be some play between the workpieces of Chalansonnet to be able to insert one into another. Further the method of Chalansonnet would work for workpieces that are placed one into another with radial play between the workpieces or when one of the workpieces in press-fit into the other.

Regarding claims 16-18, applicant should note that the method of Chalansonnet/Hopkins could be used for rings or pipes, the rings or pipes being either loosely inserted into each other or having radial play relative to one another such that they can barely be inserted by hand.

Regarding claims 19 and 20, see column 1 of page 2 of Hopkins, lines 4-17 and 68-75 and column 2 of page 2 of Hopkins, lines 1-19. Regarding the recitation of the layer being an aluminum layer, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have selected whatever material was expedient in the method of Chalansonnet/Hopkins, since it has been held to be within the general skill level of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125

USPQ 416. See also *Ballas Liquidating Co. v. Allied industries of Kansas, Inc.* (DC Kans) 205 USPQ 331.

Regarding claims 22-28, see column 1, lines 7-9 of Chalansonnet. Applicant should note that Official Notice is taken in that such composite workpieces are conventional in the art.

Response to Arguments

4. Applicant's arguments with respect to claims 14, 16-20 and 22-30 have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F 9-6:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Essama Omgba/
Primary Examiner, Art Unit 3726

eo
December 14, 2009